

Bedford Hills, New York  
March 20, 2012

The second meeting for the month of March of the Town Board of the Town of Bedford was held on March 20, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis T. Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Nina Kellogg	: Deputy Town Clerk
	Joel H. Sachs	: Town Attorney
	William Hayes	: Chief of Police
	Harold J. Girdlestone	: Sole Assessor
	Kevin Winn	: Commissioner of Public Works
	Amy Pectol	: Receiver of Taxes
	Edward Ritter	: Town Comptroller

And twenty (20) residents/observers.

**ANNOUNCEMENT** – NYS Association of Chiefs of Police recognition of Bedford Police in “Certified Best Practices” program.

Chief Hayes introduced Mark Sprawn, a retired Police Chief, representing the New York Association of Chiefs of Police. Mr. Sprawn presented Chief of Police William Hayes, Lieutenant Jeffrey Dickan and Lieutenant Edward Collins with a Certificate of Recognition for Certified Best Practices for the Sex Offender Management Program.

**APPROVAL OF CLAIMS**

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED, that the following claims for 2012 be allowed for payment from their respective funds,

	<b>2012</b>
General Fund	\$ 132,402.60
Highway Fund	217,960.77
Consolidated Water District	14,847.98
Farms Water District	128.91
Old Post Road Water District	128.91
Drug Abuse	17.46
Energy	2,455.00
Special Districts:	
Bedford Village Memorial Park	5,673.36
Bedford Hills Memorial Park	5,500.30
Katonah Memorial Park	5,010.96
Bedford Hills Lighting District	1,970.77
Capital Projects	<u>589,332.15</u>
	\$ 975,429.17

**MONTHLY REPORTS**

Mrs. Roberts advised that these reports were available for review during normal business hours in the offices of the Supervisor and Town Clerk.

## **CORRESPONDENCE**

1. Petition regarding speed of traffic on McLain Street.

The Town Board acknowledged receipt of a petition on March 9, 2012 from residents of McLain Street concerned about the speed of cars travelling on this road. Mrs. Roberts detailed the efforts by the Town of Bedford to address the concerns of the residents and noted they would like the solar power speed signs installed on the northern portion of the road. Commissioner of Public Works Kevin Winn advised that he would need to investigate a good site with proper exposure as well as the cost of the units. He added he would come back to the Town Board when he had obtained this information.

## **DEPARTMENTS**

1. Proposed change in Valuation Date from June 1, 2012 to July 1, 2011.

Town Assessor Harry Girdlestone noted that this would put the Town of Bedford in sync with the State's equalization rate, making it easier to value the properties going forward.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was

### **ADOPTED**

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

WHEREAS, Section 283.141(3) of the Laws of Westchester County (the "Westchester County Code"), provides that: "[a]ny town may, subject to the approval of its local legislative body, elect the valuation date to be the same as the valuation date used by the New York State Office of Real Property Tax Services or any successor agency for Equalization Rate purposes to value the real property within said town"; and

WHEREAS, the New York State Department of Taxation and Finance, the successor to the New York State Office of Real Property Tax Services, utilizes the calendar day of July 1<sup>st</sup> prior to the taxable status date within a municipality for purposes of ascertaining annual Equalization Rates; and

WHEREAS, the taxable status date with the Town of Bedford is June 1st of the year in which a tentative and final assessment roll are adopted; and

WHEREAS, the Assessor and the Town Attorney have opined that the adoption of the prior calendar year July 1<sup>st</sup> valuation date utilized by the New York State Department of Taxation and Finance will be of assistance to the Town in both the administration of the tax assessment process, and for the purpose of promoting accuracy in the determination of the yearly State Equalization Rate;

NOW, THEREFORE, BE IT RESOLVED that the valuation date for real property in the Town of Bedford for purposes of tax assessment shall be, the calendar day of July 1<sup>st</sup> in the calendar year immediately preceding the June 1<sup>st</sup> taxable status date, which is also the date for filing of the tentative assessment roll, in each and every year from the date of this Resolution forward; and

IT IS FURTHER RESOLVED, that the Assessor and Town Clerk shall notify the Westchester County Department of Finance of this Resolution within thirty (30) days of its adoption, in accordance with Section 283.14(3) of the Westchester County Code.

2. Request to bid 2012 Highway materials and services.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was

### **ADOPTED**

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby authorize Kevin Winn, Commissioner of Public Works to advertise for bids for the following Highway Materials and Services for 2012:

- Bituminous Concrete, Asphalt, and associated services and material
- Stone, sand and gravel
- Guide Rail

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- Liquid Calcium Chloride with Corrosion Inhibitor
- Liquid Magnesium Chloride with Corrosion Inhibitor
- Liquid Envirobrine with Corrosion Inhibitor
- Sidewalk Salt
- Pavement Marking Paint and Delineators
- Catch Basins
- Concrete Blocks
- Rock Crushing

As per the memorandum dated March 13, 2012 from Kevin Winn, Commissioner of Public Works.

3. Cleanup Day 2012 Request to bid Refuse Removal and Resident Rates.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby grant approval for the Commissioner of Public Works to advertise for bids for the removal of refuse generated from the 2012 Cleanup Days, Thursday, May 3, 2012 to Saturday, May 5, 2012 at the Crusher Road Highway Facility, and approves the rates to be charged as follows:

Car	\$25.00
Pickup	\$60.00
Small Dump Truck (< 6 yd)	\$115.00
Large Dump Truck (>6 yd)	\$230.00

With the Bedford Chowder and Marching Club to be charged 70% of these rates as it is estimated that 30% of the material they bring in is removed at the tag sale or recycled to a charity, as per the memorandum dated March 16, 2012 from Kevin Winn, Commissioner of Public Works.

4. Authorize Supervisor to sign modified NYSDOT agreement on Valley Road project.

Mrs. Roberts explained that this was a project that then Congresswoman Sue Kelly had obtained for the Town in 2004. Mr. Winn advised that Town Consulting Engineer Jim Hahn felt that the costs would be higher and estimates for the project are being updated.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for Valley Road Sidewalks; Cherry Street to New Street in the Town of Bedford, Westchester County identified as PIN 8759.62 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Bedford desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction supervision and construction inspection work.

NOW, THEREFORE, the Bedford Town Board duly convened does hereby

RESOLVE, that the Bedford Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Bedford Town Board hereby authorizes the Town of Bedford to pay in the first instance 100% of the federal and non-federal share of the construction, construction supervision and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$404,955.00 is hereby appropriated from grants and pursuant to bonding and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the non-federal share costs of the project exceeds the amount appropriated above, the Bedford Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Bedford be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Bedford with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Commissioner of Public Works, Town Engineer, Town Comptroller, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

5. Consider amendment to Agreement with Westwood Organic.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby approve an amendment to the agreement with Westwood Organic to allow Westwood to sell mulch, compost, and top soil on a retail basis at the Beaver Dam Road facility for two (2) seasons, ending in July 2013.

**PERSONNEL**

1. Consider appointments to Boards, Commissions, etc.

a. Thom Cadley reappointment to the Communications Committee.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby reappoint Thom Cadley to the Communications Committee, for a term to expire July 1, 2014.

b. Patsy Morton resignation from Blue Mountain Housing Development Corp.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None  
Absent: None

RESOLVED that the Town Board does hereby accept the resignation of Patsy Morton from the Blue Mountain Housing Development Corporation/Bedford Town Housing Agency, effective immediately.

c. Michael McGinnis appointment to Bedford Village Historic Review Commission.  
On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby appoint Michael McGinnis to the Bedford Village Historic District Review Commission for a three (3) year term, said term to expire January 20, 2015.

d. Bart Tyler resignation from Katonah Historic District Advisory Commission.  
On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby accept the resignation of Barton P. Tyler from the Katonah Historic District Advisory Commission.

#### **NEW BUSINESS**

1. Consider potential nominations to Local Government Advisory Committee (LGAC) of U.S. Environmental Protection Agency.

Mrs. Roberts advised that this matter was on the agenda for discussion to solicit ideas and possible nominations.

2. Consider recommendation of EnerPath Services lighting upgrades for the Police Department.

It was pointed out that at the previous Town Board meeting concerning the lighting upgrades, the program had been approved for the Department of Public Works Highway Garage, but there were concerns of interference with the Police radios for the upgrades at the Police Department. Chief Hayes advised he had discussed this with the vendor and was satisfied that this would not be an issue.

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby approve the recommendations for energy efficient lighting upgrades in the Town of Bedford Police Department at a cost of \$3,423.26 as per the assessment performed February 15, 2012 by New York State Electric and Gas (NYSEG) and estimate provided by EnerPath Services Inc. ; and

#### **BE IT FURTHER RESOLVED**

THAT the Supervisor is hereby authorized to sign the agreement between the Town of Bedford and EnerPath Services Inc. for the replacement/retrofit of the lighting and equipment.

3. Approve FHFA letter of support for PACE financing.  
Mr. Gabrielson gave the background on this matter and asked the Town Board to send the letter of support to the Federal Housing Finance Agency (FHFA) to reconsider their ruling concerning Property Assessed Clean Energy (PACE) financing.

On a motion by Mr. Gabrielson, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby approve the transmittal of a letter of support for Property Assessed Clean Energy (PACE) financing the Federal Housing Finance Agency (FHFA).

4. Executive Session – Update on Union mediation.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board shall conduct an executive session at the conclusion of the regular meeting to present an update on the Union mediation.

5. Set Work Session – Wastewater – 7:15 Tuesday, April 3<sup>rd</sup>.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby schedule a work session on wastewater for Tuesday, April 3, 2012 at 7:15 pm to be held at the Town House, 321 Bedford Road, Bedford Hills, New York.

6. Set Work Session – Response to George Oros letter of 3/12 on Housing.

7. Set Work Session – Refuse Ordinance.

Mrs. Roberts recommended that these work sessions be conducted on the same evening.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby schedule a work session to discuss a response to the George Oros letter dated March 12, 2012 on Housing and the proposed revisions to the Refuse Ordinance in the Code of the Town of Bedford, for Wednesday, April 11, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

## **PUBLIC COMMENT**

Mark Solomon of the Tree Advisory Board expressed concerns with some of the information on the Town of Bedford website for “Leave Leaves Alone”. He submitted a Forest Service Brochure and materials from the Centers for Disease Control on Lyme disease.

There being no further discussion the Town Board adjourned to executive session at 9:07 pm.

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Nina Kellogg, Deputy Town Clerk

March 20, 2012 – Regular meeting - continued

Minutes of Execution Session - Town Board of the Town of Bedford  
March 20, 2012

On March 20, 2012 at approximately 9:15 p.m., the Town Board voted unanimously to go into Executive Session to discuss personnel issues. Attending the meeting were Supervisor Roberts and Councilpersons Chryssos, Corcoran, Burdick and Gabrielson as well as Town Attorney Joel Sachs.

At the outset of the Executive Session, Town Attorney Sachs was appointed as Acting Deputy Town Clerk for the purpose of the meeting.

During the meeting, the Supervisor gave a report to the Town Board members on the results of a mediation session with the blue collar workers. There was discussion among the Board members. No decisions were made and no votes were taken.

Thereafter, the Supervisor and Board members had a discussion in regard to the request by the State Controller's Office that the Town attempt to recoup the sum of \$500.00 from several employees in regard to the overpayment of their pension benefits. After weighing the pros and cons, it was the determination of the Town Board that it would not make sense monetarily and in terms of time and effort to sue each of these Town employees in Town Court for the return of approximately \$500.00. Letters had already been sent to each of these employees making a request that the employees return the overpayment. The Town Board members believe that they had carried out their obligations to comply with the report of the State Controller's Office and no further actions were necessary.

The Executive Session was adjourned at approximately 10:00 p.m.

Respectfully submitted,

Joel H. Sachs  
Acting Deputy Town Clerk